

Nos. 25-3030, 25-3034

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO; et al.,
Plaintiffs - Appellees,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; et al.,
Defendants - Appellants.

On Appeal from the United States District Court
for the Northern District of California

In re DONALD J. TRUMP.

On Petition for Writ of Mandamus to the United States District Court
for the Northern District of California

**MOTION FOR LEAVE OF FORMER GOVERNMENT
OFFICIALS AND ADVISORS TO FILE BRIEF AMICI CURIAE
IN OPPOSITION TO EMERGENCY MOTION UNDER CIRCUIT
RULE 27-3 FOR STAY PENDING APPEAL/PETITION FOR
WRIT OF MANDAMUS**

Michael S. Kwun
Kate E. Lazarus
Amy Le
KWUN BHANSALI LAZARUS LLP
555 Montgomery Street, Suite 750
San Francisco, CA 94111
(415) 630-2350

Carey R. Dunne
FREE AND FAIR LITIGATION GROUP, INC.
266 W. 37th St., 20th Floor
New York, NY 10018
(646) 434-8604

Counsel for Amici Curiae Donald B. Ayer, Ty Cobb, Barbara Comstock, Mickey Edwards, Philip Lacovara, Michael Luttig, Carter Phillips, Trevor Potter, Alan Charles Raul, Paul Rosenzweig, Robert Shanks, Fern Smith, William Joseph Walsh, and Christine Todd Whitman

INTRODUCTION

Movants Donald B. Ayer, Ty Cobb, Barbara Comstock, Mickey Edwards, Philip Lacovara, Michael Luttig, Carter Phillips, Trevor Potter, Alan Charles Raul, Paul Rosenzweig, Robert Shanks, Fern Smith, William Joseph Walsh, and Christine Todd Whitman respectfully seek leave to file the attached brief in opposition to the government's¹ motion for a stay of the district court's temporary restraining order.

1. *Amici* are conservatives and include former public officials who were elected as Republicans, appointed by Republicans, or served in Republican administrations. These *amici* have collectively spent decades in public service in the federal government and state governments. They share a commitment to limited government and the rule of law. They write out of concern that the carefully constructed checks and balances that are built into our Constitution are under threat because of defendants' conduct.

2. *Amici* appeared in the district court proceedings, and the district court's temporary restraining order—which is attached to the petition for a writ of

¹ This brief uses “government” to refer to Defendants - Appellants in No. 25-3030 and Petitioners in No. 25-3034. It uses “plaintiffs” to refer to Plaintiffs - Appellees in No. 25-3030 and Real Parties in Interest in No. 25-3034.

mandamus in No. 25-3034—twice cites their brief. *See* District Court Order at 1, 29–30.

3. *Amici*’s participation will assist the Court’s adjudication of the motion for a stay of the district court’s temporary restraining order by providing a broader perspective on the role of the Constitutional scheme of checks and balances, and the rule of law.

4. All parties consent to the filing of the brief.

For the foregoing reasons, *amici* request that the motion for leave to file the attached brief be granted.

Respectfully submitted,

KWUN BHANSALI LAZARUS LLP

Dated: May 19, 2025

By: /s/ Michael S. Kwun

Michael S. Kwun

mkwun@kblfirm.com

Kate E. Lazarus

klazarus@kblfirm.com

Amy Le

ale@kblfirm.com

555 Montgomery Street, Suite 750

San Francisco, CA 94111

(415) 630-2350

Carey R. Dunne

carey@freeandfair.org

FREE AND FAIR LITIGATION GROUP, INC.

266 W. 37th St., 20th Floor

New York, NY 10018

(646) 434-8604

Counsel for Movants Donald B. Ayer, Ty Cobb, Barbara Comstock, Mickey Edwards, Philip Lacovara, Michael Luttig, Carter Phillips, Trevor Potter, Alan Charles Raul, Paul Rosenzweig, Robert Shanks, Fern Smith, William Joseph Walsh, and Christine Todd Whitman

CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) and Circuit Rules 27-1(d) and 32-3 because it contains 283 words. This brief also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5)–(6) because it was prepared in Times New Roman 14-point font, a proportionally spaced typeface that includes serifs, and the brief is set in a plain, roman style, with italics or boldface used for emphasis, and with case names italicized.

/s/ *Michael S. Kwun*

Michael S. Kwun